

REMARKS

Upon entry of the present amendment, claims 1, 3, 4, 6, 7, 9, 10 and 12 will have been amended and claims 13-16 will have been submitted for consideration by the Examiner.

In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections set forth in the above-mentioned Official Action, together with an indication of the allowability of all of the claims pending in the present application.

Applicant notes with appreciation the Examiner's consideration of all of the documents cited in the various Information Disclosure Statements filed in the present application by the return of the initialed and signed copies of the PTO-1449 Forms accompanying each of the Information Disclosure Statements filed herein.

Applicant further respectfully requests that the Examiner acknowledge Applicant's claim for foreign priority under 35 U.S.C. § 119 and the filing of the certified copies of the priority documents in Applicant's parent application.

The Examiner has objected to the incorporation by reference of the foreign priority document in the specification. Applicant respectfully disagrees that this is improper. However, in order to expedite prosecution, the reference to the foreign priority document in the specification has been deleted.

The Examiner has rejected claims 7-9 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed. Claims 7-9 are directed to a game program that is executable on a game apparatus. The game program includes a display control array that will display a game field and a predetermined area on a game apparatus. This displaying on the game apparatus is a post computer process activity. Note in figure 6, step s4, the game program is executed and subsequently the separate displayed area or radar screen is displayed in step s10. This is accomplished with the display 61 of the game apparatus shown in figure 1. Post computer process activity is a safe harbor, thus, rendering the claims statutory. See MPEP 2106 (IV)(B)(2)(b)(i). Thus, Applicant submits that because independent claim 7 is directed to displaying the character, there is post computer activity and this post computer activity thus renders claims 7-9 claim statutory subject matter.

The Examiner has rejected claims 1-3 and 7-12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,200,138 to ANDO et al. Applicant respectfully submit that the present amendments and remarks render this rejection moot.

The present disclosed invention is directed to a role-playing game apparatus, game program, and game method wherein the player's character is displayed within a game field and the predetermined area around the character is separately displayed. The separate displayed area or radar screen (72 shown in figure 7) further includes a target position indicator 75.

On the contrary, ANDO et al. does not disclose “separately” displaying both the game field and the predetermined area around the character. The reference to ANDO et al. discloses using arrows (208 and 210 shown in figures 13 and 14) in only a single display that show the direction to a destination.

Absent a disclosure in a single reference of each and every element recited in a claim, a prima facie case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied references fail to disclose each and every element recited in independent claims 1, 7, and 10 and the claims dependent therefrom, these claims are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102(e).

The Examiner has rejected claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable by ANDO et al. Applicant respectfully submit that the present amendments and remarks also render this rejection moot.

For the reasons discussed *supra*, ANDO et al. does not disclose
① “separately” displaying both the game field and the predetermined area around the character. The reference to ANDO et al. discloses using arrows (208 and 210 shown in figures 13 and 14) in only a single display that show the direction to a destination. Moreover, there is no suggestion or disclosure in ANDO et al. that render obvious the feature “separately” of displaying both the game field and the predetermined area around the character. Thus, claims 4-6 are submitted to be allowable.

Additionally, minor amendments have been made to claims 1, 3, 4, 6, 7, 9, 10 and 12 in order make to them more consistent. In these amendments, Applicant has made several additional changes to the language of the claims to render the same more self consistent, as well as more fully in compliance with U.S. syntax, idiom and grammar. These amendments do not change the scope of the claims but are merely cosmetic changes that give rise to no file wrapper estoppel.

New claims 13-16 add no prohibited new matter and are submitted to be allowable. They find support in the specification at, inter alia, page 16, fourth whole paragraph.

With regard to dependent claims 2, 3, 5, 6, 8, 9, 11, and 12, Applicant asserts that they are allowable on their own merit and at least because they depend on one of independent claims 1, 4, 7, and 10, which Applicant submits have been shown to be allowable.

In view of the fact that none of the art of record, whether considered alone or in any proper combination, discloses or suggests the present invention as defined by the pending claims, and in further view of the above remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

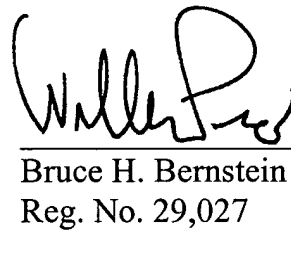
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Takayoshi NAKAZATO

 Reg No 33630
Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191